

41  
Docket No.: 50340-112



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Koudai YOSHIZAWA, et al.	:	Confirmation Number: 7396
	:	
Serial No.: 10/083,606	:	Group Art Unit: 1745
	:	
Filed: February 27, 2002	:	Examiner: R. Alejandro
	:	
For: FUEL CELL SYSTEM, AND METHOD OF PROTECTING A FUEL CELL FROM FREEZING	:	

RECEIVED  
NOV 26 2003  
TC 1700

RESPONSE TO OFFICIAL ACTION

Mail Stop Restriction Requirement  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action of October 24, 2003 in this application.

In the action, restriction was required between the inventions identified as claims 1-29, drawn to a fuel cell having a specific protection device, and claims 30-53, drawn to a method of protecting a fuel cell. In response to this requirement, Applicants elect the invention of Group I, claims 1-29, drawn to a fuel cell. The requirement for restriction is respectfully traversed and reconsideration is requested.

The requirement for restriction is traversed on the ground that the division of claims made by the Examiner is between a product, that is, a protected fuel cell and a method of providing a protected fuel cell. Applicant submits that this represents a single inventive concept and that both groups of claims should be examined in this application. Accordingly, reconsideration of the requirement for restriction is requested.

In paragraph 5 of the action, the requirement for election of species is made between the species identified as those of Species I-XI, with respect to the figures in the application. In response to this requirement, Applicants elect Species I, that is, the fuel cell system of Figure 1. Claims 1-6, 8, 17, and 29 are believed readable on the elected species. The requirement for election is also respectfully traversed and reconsideration is requested.

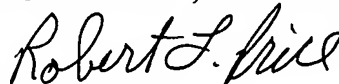
The requirement for election is made between the several embodiments of the drawings accompanying the application. Applicants submit that a single inventive concept has been presented for the application and that all embodiments of the invention should be considered in this application. Accordingly, reconsideration of the requirement for election is respectfully traversed.

It is believed that the above represents a complete response to the Official Action and that action on the merits is now in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Robert L. Price

Registration No. 22,685

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 RLP:ajb  
Facsimile: (202) 756-8087  
**Date: November 24, 2003**